

SUMMARY REPORT DIGEST-
COMPLAINT REGISTER INVESTIGATION NO.:
CHICAGO POLICE DEPARTMENT

237245

DATE OF REPORT (DAY-MO.-YEAR)
17 June 1997
23 June 1997 T

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION ☒ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
☐ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM-INVESTIGATOR'S NAME		RANK	STAR NO.	SOCIAL SEC. NO.	EMPLOYEE NO.	UNIT ASSIGN.
Thornton Smith		Inv.	52			113
ADDRESS OF INCIDENT		DATE OF INCIDENT - TIME		BEAT OF INCIDENT		LOCATION CODE
		30 May 1997, 2300 hours		1223		12
NAME		RANK	STAR NO.	SOCIAL SEC. NO.	EMPLOYEE NO.	UNIT ASSIGN.
1. Robert Poholik		P.O.	10721			012
2. James Daniels		P.O.	6182			012
ACCUSED	SEX/RACE	D.O.B.	DATE OF APPOINTMENT		DUTY STATUS (TIME OF INCIDENT)	
	1. M/H		1966	29 June 1992	<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY	
					<input type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	
	2. M/W		1967	05 July 1994	<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY	
					<input type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	
IF APPLICABLE - DATE ARRESTED/INDICTED		CHARGES		COURT BRANCH	DISPOSITION & DATE	
1.						
2.						
COMPLAINANTS	NAME	ADDRESS**		CITY STATE	SEX/RACE	D.O.B./AGE
					M/H	33 yoa
VICTIMS	NAME	ADDRESS**		CITY STATE	SEX/RACE	D.O.B./AGE
					M/H	81
WITNESSES	NAME	ADDRESS**		CITY STATE	SEX/RACE	D.O.B./AGE

☐ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

ALLEGATIONS

Sergeant Richard Cervenka, Star #846, 012th District, contacted the Office of Professional Standards by Pax on 31 May 1997, at 0253 hours, and registered a complaint made by [REDACTED] with Civilian Crystal Williams, Employee [REDACTED] alleged that on 30 May 1997, at approximately 2300 hours, in the vicinity of [REDACTED] that Officers R. Poholik and J. Daniels: 1) struck him in the face with their fists.

I.A.D. LOCATION CODES*

01 Food Sales/Restaurant	11 Public Transportation Veh./Facility
02 Tavern/Liquor Store	12 Park District Property
03 Other Business Establishment	13 Airport
04 Police Building	14 Public Property - Other
05 Lockup Facility	15 Other Private Premise
06 Police Maintenance Facility	16 Expressway/Interstate System
07 CPD Automotive Pound Facility	17 Public Way - Other
08 Other Police Property	18 Waterway, Incl. Park District
09 Police Communications System	19 Private Residence
10 Court Room	

I.A.D. PHYSICAL CONDITION CODES†

01 No Visible Injury - Apparently Normal
02 No Visible Injury - Under Influence
03 Injured, Not Hospitalized
04 Injured, Not Hospitalized - Under Influence
05 Injured, Hospitalized
06 Injured, Hospitalized - Under Influence
07 Injured, Refused Medical Aid
08 Injured, Refused Medical Aid - Under Influence
09 Deceased
10 Deceased - Under Influence

* IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX

CPD 44.1120 (1/84)

C.R. NO.

237245

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s). In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Compliance History will be included as attachments.

SUMMARY

Sergeant Richard Cervenka, Star #846, assigned to the 012th District, stated in his Initiation Report that he interviewed the complainant, [REDACTED] who stated that [REDACTED] had been walking home from a party at approximately 2300 hours, 30 May 1997, when at [REDACTED] a marked Chicago Police Vehicle approached. Two uniformed officers threw [REDACTED] into the car and drove to a viaduct [REDACTED] where the police removed him from the squad car and repeatedly asked him what gang he belonged to. When he attempted to explain that he did not belong to a gang (he speaks no English), the officers allegedly struck him in the face and head causing injury to the left side of his face. The officers then brought him to the 012th District Station, where he was charged with Unlawful Use of weapon. [REDACTED] was photographed in the 012th District Lockup, processed and transported to the [REDACTED] for treatment.

[REDACTED] was interviewed by Investigator Lucia DelaPava of the Office of Professional Standards and stated that he was by himself, and crossing [REDACTED] located in the vicinity of [REDACTED]. He heard shots being fired and went to the ground for safety. Two male white, uniformed officers, responded immediately and questioned [REDACTED] about the shots, and asked what gang he belonged to. [REDACTED] replied that he did not belong to a gang and did not know who fired the shots. He was handcuffed, placed in the squad car, and driven to [REDACTED] which was dark and deserted [REDACTED]. [REDACTED] was taken out of the squad car and questioned again about a gang. While

ATTACHMENTS

INVESTIGATIVE REPORTS— SUPPORTING ALLEGATION LIST ATTACHMENT NUMBERS:	INVESTIGATIVE REPORTS— SUPPORTING ACCUSED MEMBER(S) LIST ATTACHMENT NUMBERS:	PHYSICAL EVIDENCE LIST ATTACHMENT NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
6, 8	2, 17, 21	4 A-F, 13	22

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation.

Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for days (not to exceed 5 days).

FINDINGS:

Accused #1.
Allegation #1.

Officer Robert Poholik, Star #10721
NOT SUSTAINED

Accused #2.
Allegation #1.

Officer James Daniels, Star #6182
NOT SUSTAINED

APPROVED:

[REDACTED]
OPS Supv. Ann Peterson, Star #100

DATE INITIATED 03 June 1997
(DATE COMPLAINT WAS
RECEIVED FOR INVESTIGATION)

DATE COMPLETED 17 June 1997
(DATE OF THIS
REPORT)

ELAPSED TIME 14 Days
(TOTAL TIME,
EXPRESSED IN DAYS)

Investigator will initiate the Command Channel Review
form by completing the Investigator's Section.

IF NECESSARY, USE AN 8 1/2 x 11 SHEET

INVESTIGATION Cont'd.:

standing at the rear of the squad car both officers struck him on the face with fists. He was then transported to the 012th District, processed and later transported to the [REDACTED] where he received three stitches for a laceration to the cheek.

Photographs taken of [REDACTED] taken by an Evidence Technician depict a laceration under the left eye, and bruises on his right fingers.

The [REDACTED] Report for [REDACTED] indicated that he stated to emergency room staff that at approximately 2245 hours, he was involved in a fight and was struck in the head by the police. [REDACTED] was diagnosed and treated for a face contusion/laceration.

The Arrest Report indicated that [REDACTED] was arrested for U.U.W. after being observed standing [REDACTED] with two other subjects. One of which produced a .38 cal revolver and fired two rounds. Officers R. Poholik and J. Daniels approached and one of the subjects handed the gun to [REDACTED] who fled on foot and threw the gun to the ground. After a brief foot chase he was apprehended, placed in custody and transported into the 012th District for processing. A .38 cal revolver and two spent casings were recovered.

The General Offense Case Report for Unlawful Use of Handgun and the Juvenile Minutes Sheet for [REDACTED] contained essentially the same information as the Arrest Report of [REDACTED]

Officers Robert Poholik and James Daniels, both submitted reports in which they stated that they had no knowledge of [REDACTED] being struck in the face with fist in the vicinity of [REDACTED] Both officers denied striking [REDACTED] in the face with fists.

[REDACTED]